

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

OCT 10 2012 *aw*

THOMAS G BRUTON  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

JOHNNIE PLUMMER K-65650

(Full name and prison number)

(Include name under which convicted)

PETITIONER

12 C 8305

Judge Harry D. Leinenweber  
Magistrate Judge Jeffrey Cole

vs.

MICHAEL ATCHINSON

(Warden, Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

(State where judgment entered)

Case Number of State Court Conviction:

92 CR 2023601

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: Circuit Court of Cook County, Illinois, 2650 S. California Ave, Chicago, IL 60608
2. Date of judgment of conviction: February 8, 1998 SENTENCED MARCH 3, 1998
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
FIRST DEGREE MURDER, Attempt ARMED Robbery
4. Sentence(s) imposed: NATURAL LIFE Plus 5 years.
5. What was your plea? (Check one)  
(A) Not guilty (X)  
(B) Guilty ( )  
(C) Nolo contendere ( )

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

N/A

Revised: 7/20/05

**PART I - TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one): Jury (X) Judge only ( )  
2. Did you testify at trial? YES ( ) NO (X)  
3. Did you appeal from the conviction or the sentence imposed? YES (X) NO ( )

(A) If you appealed, give the

- (1) Name of court: APPELLATE COURT OF ILLINOIS 1<sup>ST</sup> DIST.  
(2) Result: AFFIRMED CONVICTION  
(3) Date of ruling: DECEMBER 26, 2000  
(4) Issues raised: 1. WAS NOT PROVEN GUILTY; 2. TRIAL COURT'S PRECLUSION OF CROSS-EXAMINING A WITNESS MENTAL HEALTH. 3. ADMISSION OF EVIDENCE OF OTHER CRIMES.

(B) If you did not appeal, explain briefly why not:

N/A

4. Did you appeal, or seek leave to appeal, to the highest state court? YES ( ) NO (X)

(A) If yes, give the

(1) Result:

N/A

(2) Date of ruling:

N/A

(3) Issues raised:

N/A

(B) If no, why not:

MY LAWYER NEVER TOLD

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes ( ) No (X)

If yes, give (A) date of petition:

N/A

(B) date certiorari was denied:

N/A

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (X) NO ( )

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: CIRCUIT COURT OF COOK COUNTY

B. Date of filing: NOVEMBER 14, 2000

C. Issues raised: STATE CONVICTION BROUGHT ABOUT BY METHODS THAT OFFEND A SENSE OF JUSTICE; INEFFECTIVE ASSISTANCE OF TRIAL & APPELLATE COUNSEL;

D. Did you receive an evidentiary hearing on your petition? YES (X) NO ( )

E. What was the court's ruling? POST-CONVICTION RELIEF DENIED

F. Date of court's ruling: AUGUST 26, 2009

G. Did you appeal from the ruling on your petition? YES (X) NO ( )

H. (a) If yes, (1) what was the result? AFFIRMED JUDGMENT OF CIRCUIT COURT

(2) date of decision: DECEMBER 12, 2011

(b) If no, explain briefly why not: N/A

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES (X) NO ( )

(a) If yes, (1) what was the result? DENIED

(2) date of decision: 3-3-12

(b) If no, explain briefly why not: N/A

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES (X) NO ( )

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding HABEAS CORPUS
2. Date petition filed JUNE 19, 2003
3. Ruling on the petition DENIED
4. Date of ruling JANUARY 16, 2004
5. If you appealed, what was the ruling on appeal? AFFIRMED CIRCUIT COURT Ruling.
6. Date of ruling on appeal JUNE 22, 2007
7. If there was a further appeal, what was the ruling? DENIED.
8. Date of ruling on appeal SEPTEMBER 26, 2007

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES ( ) NO (X)

A. If yes, give name of court, case title and case number: N/A

B. Did the court rule on your petition? If so, state

(1) Ruling: N/A

(2) Date: N/A

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES (X) NO ( )

If yes, explain: RELIEF FROM JUDGMENT PETITION  
PENDING IN CIRCUIT COURT OF COOK COUNTY.



### PART III - PETITIONER'S CLAIMS

(A) GROUND ONE: STATE CONVICTION CAN NOT BE OBTAIN BY METHOD THAT OFFENDS A SENSE OF JUSTICE.

THE PETITIONER A JUVENILE WAS INCARCERATED IN A JUVENILE FACILITY ON CASE NUMBER 91-CR-2145101 WITH COURT APPOINTED COUNSEL.

WHILE INCARCERATED DETECTIVES WILLIAM FOLEY AND MICHAEL CLANCY FRAUDULENTLY OBTAINED A COURT ORDER CLAIMING THEY NEED THE PETITIONER FOR A PHYSICAL LINE-UP. SEE EXHIBIT 1.

THE STATE'S ATTORNEY OFFICE TYPED THE COURT ORDER.

AFTER THE DETECTIVES FOLEY & CLANCY PROCURED CUSTODY OF THE PETITIONER THE DETECTIVES UNLAWFULLY INTERROGATED AND QUESTIONED THE PETITIONER WITHOUT COUNSEL. SEE EXHIBIT 3.

OBTAINED AN ILLEGAL STATEMENT  
THE STATE'S ATTORNEY KNEW UNDER  
THE CIRCUMSTANCES PETITIONER WAS  
BEING INTERROGATED WAS IN  
VIOLATING OF HIS STATE & FEDERAL  
CONSTITUTIONAL RIGHTS.

NEVERTHELESS THE STATE ATTORNEY  
PRESENTED PETITIONER'S ILLEGAL  
OBTAINED STATEMENT TO A GRAND  
JURY. SEE EXHIBIT 4.

THE PETITIONER WAS INDICTED FOR  
FIRST DEGREE MURDER & ATTEMPT  
ARMED ROBBERY.

TRIAL COURT SUPPRESSED PETITIONER'S  
STATEMENT. PRIOR TO TRIAL. SEE  
EXHIBIT 7.

PETITIONER WAS TAKEN TO TRIAL UPON  
SAID MENTIONED INDICTMENT & SUBSEQUENT  
LY CONVICTED OF FIRST DEGREE  
MURDER & ATTEMPTED ARMED ROBBERY.

DURING TRIAL A STATE WITNESS TESTIFIED  
TO ILLEGALLY OBTAINED EVIDENCE HER  
STATEMENT SEE EXHIBIT 110.

THE STATE'S ATTORNEY WHO  
RECORDED THE PETITIONER'S  
STATEMENT COMMITTED SUICIDE  
IN 2010 AFTER A FEDERAL  
INVESTIGATION WAS LAUNCHED INTO  
THE ROLE OF EX-PROSECUTOR AT  
THE FELONY REVIEW UNIT AT AREA  
2 & 3 PRECINCTS. SEE EXHIBIT 14.

(B) Ground TWO: INEFFECTIVE ASSISTANCE  
OF TRIAL COUNSEL

TRIAL COUNSEL FAILED TO FILE A  
MOTION TO DISMISS CHARGES/INDICTMENT  
WITH PREJUDICE. TRIAL COUNSEL KNEW  
POLICE LIED TO JUDGE BASTONE TO  
GAIN CUSTODY OF JUVENILE PETITIONER  
INTERROGATED & QUESTIONED PETITIONER  
WITHOUT COUNSEL.

OBTAINED AN ILLEGAL STATEMENT  
FROM PETITIONER. THE STATE'S ATTORNEY  
USES TAINTED EVIDENCE PETITIONER'S  
STATEMENT TO INDICTMENT OF PETITIONER  
FOR MURDER, ETC. DURING PRE-TRIAL  
MOTIONS STATE'S ATTORNEY DENIED INVOLVEMENT.  
SEE EXHIBIT 5



(C) GROUND THREE: INEFFECTIVE ASSISTANCE  
OF TRIAL COUNSEL

PRIOR TO TRIAL TRIAL COUNSEL  
SUBPOENA MENTAL HEALTH RECORDS  
OF A STATE'S WITNESS. SEE EXHIBIT  
8. TRIAL COUNSEL WAS INFORMED BY  
TRIAL JUDGE THAT A LETTER FROM  
SOCIAL SECURITY WAS FAXED TO  
TRIAL JUDGE STATING: THAT THE  
MENTAL HEALTH RECORDS WOULD NOT  
BE AVAILABLE FOR AS MUCH AS  
60 DAYS. SEE EXHIBITS 9 & 12.

TRIAL COUNSEL PROCEEDED TO TRIAL  
WITHOUT WAITING 60 DAYS FOR  
THE AVAILABILITY OF THE MENTAL  
HEALTH RECORDS. THE RECORDS REVEALED  
STATE'S WITNESS HALLUCINATION. SEE  
EXHIBITS 16 & 17; AND 12.

THE RECORD REFLECTS THAT THE TRIAL  
COURT WOULD HAVE "ALLOWED" CROSS-  
EXAMINATION REGARDING WITNESS  
MENTAL HEALTH HAD TRIAL COUNSEL  
INFORMED THE COURT, "BEFORE IT



RULING," THAT SSA RECORDS  
REVEALED STATE'S WITNESS  
HALLUCINATION. TRIAL COUNSEL FAILED  
TO OBTAIN MENTAL HEALTH RECORDS  
OF A STATE'S WITNESS PRIOR TO  
TRIAL

(D) GROUND FOUR: INEFFECTIVE ASSISTANCE  
OF APPELLATE COUNSEL

APPELLATE COUNSEL FAILURE TO  
RAISE INEFFECTIVE ASSISTANCE OF  
TRIAL COUNSEL ON DIRECT APPEAL.  
TRIAL COURT PROHIBIT TRIAL COUNSEL  
FROM FROM CROSS-EXAMINATION OF  
STATE'S WITNESSE REGARDING  
MENTAL BECAUSE TRIAL COUNSEL  
"FAILED" TO INFORMED THE COURT,  
BEFORE HS RULING, THAT SSA  
RECORDS REVEALED STATE'S  
WITNESS HALLUCINATION

2. HAVE ALL GROUNDS RAISED IN THIS  
PETITION BEEN PRESENTED TO THE HIGHEST  
COURT JURISDICTION? YES

(E) Ground FIVE: INEFFECTIVE  
ASSISTANCE OF APPELLATE COUNSEL

APPELLATE COUNSEL FAILED TO  
RAISE ON DIRECT APPEAL PROSECUTOR'S  
PREJUDICIAL & INFLAMMATORY ARGUMENT

THE PROSECUTOR MADE REMARKS  
UNSUPPORTED BY THE EVIDENCE,  
STATING THAT THE OFFENDER TOLD  
THE DECEASED TO GIVE HIM HER  
GOLD CHAIN, CONTRARY TO TESTIMONY  
THAT THE OFFENDER MUMBLED  
SOMETHING THE EYEWITNESS COULD  
UNDERSTAND.

**PART IV - REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing UNKNOWN
- (B) At arraignment and plea UNKNOWN
- (C) At trial JEAN KERIGODT
- (D) At sentencing JEAN KERIGODT
- (E) On appeal THOMAS FINEGAN
- (F) In any post-conviction proceeding GWENDOLETTE WARD BROWN
- (G) Other (state): NONE

**PART V - FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES ( ) NO (X)

Name and location of the court which imposed the sentence: N/A

Date and length of sentence to be served in the future N/A

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 9-10-12  
(Date)

\_\_\_\_\_  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Johanne Fleunier  
(Signature of petitioner)

K-65650  
(I.D. Number)

MENARD, IL 62259  
(Address)



## EXHIBITS

1. COURT ORDER TYPED BY  
STATE'S ATTORNEY OFFICE  
DATED: AUGUST 6, 1992
2. ERICA FRAZIER STATEMENT.  
DATED: AUGUST 13, 1992
3. TRANSCRIPTS OF JUDGE BASTONE  
EXPLAINING WHY HE SIGNED  
COURT ORDER DATED: AUGUST 17, 1992
4. TRANSCRIPTS OF GRAND JURY  
PROCEEDING DATED: SEPTEMBER 1, 1992
5. TRANSCRIPTS OF STATE'S ATTORNEY  
ARGUMENT AT MOTION TO SUPPRESS  
STATEMENT DENYING INVOLVEMENT  
DATED: SEPTEMBER 5, 1992
6. TRANSCRIPTS OF DEFENSE COUNSEL  
AT MOTION TO SUPPRESS STATEMENT  
"PROVING STATE'S ATTORNEY  
INVOLVEMENT" DATED: SEPTEMBER 5,  
1992

7. TRANSCRIPTS OF TRIAL COURT'S SUPPRESSING PETITIONER'S STATEMENTS DATED: SEPTEMBER 5, 1997
8. DEFENSE COUNSEL SUBPOENING MENTAL HEALTH RECORDS OF ERICA FRAZIER DATED: DECEMBER 4, 1997
9. LETTER FROM SOCIAL SECURITY OFFICE DATED: FEBRUARY 2, 1998
10. TRIAL COURT READING A NUGATORY INDICTMENT YO SWORN IN JURY DATED: JANUARY 4, 1998
11. ERICA FRAZIER TRIAL TESTIMONY DATED: FEBRUARY , 1998
12. APPELLATE COURT OPINION 2003
13. TRIAL COUNSEL TESTIMONY DURING EVIDENTIARY HEARING PAGES BB57 DATED: AUGUST 26, 2009

- 14 FEDS INVESTIGATE JON BURGE'S  
DETECTIVES, EX-COOK COUNTY  
PROSECUTORS: DATED JULY 14, 2011.
- 15 APPELLATE COURT OPINION 2011.
- 16 ERICA FRAZIER MENTAL  
HEALTH RECORDS.
- 17 LETTER FROM SOCIAL SECURITY  
OFFICE DATED: FEBRUARY 13, 1998



STATE OF ILLINOIS)  
COUNTY OF C O O K) SS.

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS )

vs. )

No. 91-21451 )

JOHNNIE PLUMMER

ORDER

IT IS HEREBY ORDER that JOHNNIE PLUMMER cc#91-21451 be released from the custody of the Cook County Juvenile Detention Facility into the custody of Detectives Foley star#20450 and Clancy star#20395 of the Chicago Police Department Area 3 Violent Crimes on August 13, 1992 for the purpose of conducting criminal investigation unrelated to the pending criminal case. Detectives Foley and Clancy will return JOHNNIE PLUMMER within 24 hours into the custody of the Cook County Juvenile Detention Facility. Detectives Foley and Clancy will not question JOHNNIE PLUMMER regarding his pending criminal case.

E  
N  
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E

R:

R. B. Burton  
Judge of the Circuit Court  
of Cook County

DATED: Aug 06, 1992

1.54

STATEMENT OF

Erica Frazier

Taken August 13, 1992 At 11:20 p.m.

At Area 3 Violent Crimes

Present ASA Mike Rogers

Detective Terry O'Connor

This statement taken regarding the Shooting  
of Perrigean East which occurred on June 17, 1991  
at 6258 S. Halstead at 12:30 a.m.

~~I understand I have the right to remain silent and that anything I say can be used against me in a court of law. I understand that I have the right to talk to a lawyer and have him present with me during questioning, and if I cannot afford to hire a lawyer one will be appointed by the court to represent me before any questioning. Understanding these rights, I wish to give a statement.~~

After indicating that she understood that Mike Rogers is an Assistant State's Attorney, a lawyer and Prosecutor and not her lawyer Erica Frazier agreed to give the following statement which is a summary and not word for word.

Erica Frazier is 21 years old, her birthdate is December 4, 1970 and she can read and write English.

On June 16, 1991 at about 9:00 p.m. Erica Frazier and her friend Patrice Fitzpatrick <sup>ER WORE WITH</sup> ~~ATT~~ Malcolm Sharkey and Smokey who is named Johnny Plummer. Erica and Patrice were going to go home, but Smokey and Malcolm Sharkey

ASA  
Erica Frazier  
Mike Rogers



asked them to wait. Malcolm and Smokey <sup>told</sup> Erica and Patrice that they would walk the girls home after they got off working security for a drug dealer at 59th & Union.

While Erica and Patrice waited, Smokey showed <sup>MR. E. G.</sup> a revolver that <sup>MR. E. G. Smokey & Malcolm</sup> they had hidden for security job. <sup>MR. E. G.</sup> Malcolm and Smokey got off work, they started walking Erica and Patrice home down Halstead street. <sup>MR. E. G.</sup> While Erica and Patrice waited, Malcolm and Smokey <sup>MR. E. G.</sup> told Patrice and Erica <sup>MR. E. G.</sup> to talk about robbing "B.D.s" arrival gang members <sup>MR. E. G.</sup> who would be driving on <sup>MR. E. G.</sup> Halstead street. The two of them agreed that if they caught anyone at a stop light they would rob them and take their <sup>MR. E. G.</sup> chains. They said they wanted "bone" chains which are Herringbone style gold chains.

Smokey and Malcolm got off work. Smokey and Malcolm walked Erica and Patrice up Halstead street from 59th to 62nd. It was around 11:15 p.m. when Patrice and Erica left Malcolm and Smokey at 62nd & Halstead. Erica and Patrice walked home.

The next morning on June 17, 1991

Erica Theriault  
D.T. Olson

Mike Ryan AS\*



✓ Malcolm Sharkey came over to Erica's house. It was around 11:30 in the morning when Malcolm came over. Erica and Malcolm talked in her room. Malcolm said "guess what happened last night. After we left you Smokey tried to rob a lady and she rolled the window upon him. Then Smokey shot her." Erica told Malcolm "that's my cousin who got shot." <sup>EF</sup>Malcolm Erica was playing with Malcolm. Malcolm said for real and <sup>MR</sup> ~~left~~ <sup>EF</sup> hung around for a while, although <sup>MR</sup> Erica and Malcolm did not discuss the shooting any more.

A couple of days later Malcolm and Smokey came over to Erica's house. Erica told "Smokey I'm calling the police you killed my cousin the other day." Smokey said "that's your cousin for real." Smokey looked scared. He said he was sorry. Then Erica said she just playing. Erica dropped the subject.

When Erica learned who the victim was she decided to come forward and tell the police what she knew. Since she has been at the police station Erica has been treated well by the police and ASA Rogers. Erica Frasier has reviewed this statement and states

Erica Frasier  
D.T. O'Leary

Mike Rogers ASA

✓ That it is a truth full account of what she  
told the police and ASA Rogers. Erica Frazier  
has not received any threats or promises  
in exchange for making this statement.

Erica Frazier

Mike Rogers ASA

Det. T. Connor

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 THE PEOPLE OF THE )  
7 STATE OF ILLINOIS, )  
8 versus ) Case No. 92-20236-01  
9 JOHNNIE PLUMMER. )

10 BE IT REMEMBERED that this cause came on for  
11 hearing on the 17th day of August, 1992, before  
12 the Honorable ROBERT BASTONE, Judge of said court.

13 PRESENT:

14 HON. RICHARD A. DEVINE,  
15 State's Attorney of Cook County, by  
16 MR. MATTHEW MAHONEY,  
17 Assistant State's Attorney,  
18 appeared on behalf of the People,

19 MS. RITA FRY,  
20 Public Defender of Cook County, by  
21 MR. TONY EBEN,  
22 Assistant Public Defender,  
23 appeared on behalf of the Defendant.

24 Patrice Ann Houlf  
Official Court Reporter  
1500 Maybrook Square, Room 237  
Maywood, Illinois 60152  
708)865-6160



1 THE CLERK: Johnny Plummer.  
2 THE COURT: Are you Johnny Plummer?  
3 MR. PLUMMER: Yes.  
4 THE COURT: It looks like you have been  
5 charged with the offense of first degree murder at  
6 6258 South Halsted. And you're in court today for  
7 preliminary hearing.  
8 Have you hired an attorney, Mr. Plummer?  
9 MR. PLUMMER: No.  
10 THE COURT: This is Mr. Eben next to you.  
11 He's a lawyer from the Public Defender's Office.  
12 Since he represents you on another matter, he'll act  
13 as your lawyer today on this charge.  
14 Matt, are you ready for hearing today?  
15 MR. MAHONEY: No, we are seeking a  
16 continuance.  
17 THE COURT: What's the status of the other  
18 matter? Is that still in 66?  
19 MR. EBEN: That other case is pending in  
20 front of Judge Gaughan. I don't know what date it  
21 is, but it may be in the next two weeks. The case  
22 has been pending in front of Judge Gaughan for some  
23 time.  
24 THE COURT: It has?

1 MR. EBEN: Yes.

2 THE COURT: We'll set this matter down  
3 Motion State for preliminary hearing.

4 September 2nd okay with you, Tony?

5 MR. EBEN: Sure.

6 THE COURT: A Wednesday. Set it down  
7 Motion State hearing for September the 2nd.

8 Bond was set by Judge Bowie at no bond,  
9 which means that Mr. Plummer cannot make bond in  
10 this murder charge until we have his hearing here on  
11 September 2nd at 12:00.

12 I imagine there is something you want to  
13 say about this.

14 MR. EBEN: I would like to say this, Your  
15 Honor, I have been representing John Plummer for a  
16 long time. The case has been pending in Judge  
17 Gaughan's many months, probably a year.

18 My understanding is that the police  
19 department came in before Your Honor on August 6th,  
20 1992, to have an order signed requiring that Johnny  
21 be released to their control on August 13th, 1992.

22 I have tendered this order to you, and  
23 I'll tender it to you again, if you need to peruse  
24 it.

1 I happened to be in Branch 66 on the 6th.  
2 I was not aware any police officers were approaching  
3 the Court regarding this matter. Certainly, the  
4 State knows I'm involved in the case and our office  
5 is involved in the case.

6 I have absolutely no information that from  
7 August 6th until the 13th anyone ever contacted us  
8 about the subsequent investigation or the purpose  
9 for which John was being taken out.

10 Your Honor, as you well know, many of us  
11 from our office will indicate in closing remarks to  
12 you regarding any individual defendant that we  
13 request that no police officer speak to our client  
14 about cases which are pending at this time or any  
15 other investigation.

16 It concerned me greatly on that particular  
17 days these officers came in to you with an order I  
18 never received a copy of it until I got one from the  
19 Audy Home this morning and obtained release of this  
20 young man, who has been told time after time after  
21 time not to talk to the police department about this  
22 case or any pending case.

23 THE COURT: Are you indicating there was a  
24 statement made?



1 MR. EBEN: My belief at this time there  
2 may have been a statement.

3 THE COURT: I apologize because in all  
4 honesty I did not recognize his name when I signed  
5 the order. It was indicated to me he was in custody  
6 at a juvenile facility, not he was in custody on an  
7 adult matter that was pending.

8 And I signed this order because the  
9 officers told me he would go to Area 3 for lineup  
10 purposes. Even though it says for purpose of  
11 conducting a criminal investigation, I signed the  
12 order.

13 It was in the morning before 66 began. I  
14 had no idea it was about a murder and that he was in  
15 custody on another murder. If I had known that, I  
16 would have waited until 12:00. In the future I'll  
17 make sure I do.

18 MR. EBEN: May I also say at this time  
19 it's Johnnie's desire that he not speak to any  
20 police officers about any of these cases which are  
21 pending at this time. Is that correct?

22 MR. PLUMMER: Yes.

23 MR. EBEN: And I would also ask, Your  
24 Honor, the order specifically say Detectives Foley

1 and Clancy from Area 3 are not to attempt to contact  
2 any client any further about the cases for which  
3 he's now charged or any further investigations.

4 THE COURT: I'm not sure I can order them  
5 specifically. I am ordering the State's Attorney's  
6 Office to be made aware the Detectives Division,  
7 including those two detectives.

8 Now Mr. Plummer is charged with two  
9 matters, and you are his attorney of record. They  
10 should not speak to him since he's indicating he  
11 does not wish to speak to these officers until they  
12 contact you first.

13 Make sure you do that, Matt.

14 MR. MAHONEY: Yes.

15 MR. EBEN: I file my appearance.

16 THE COURT: Leave granted to file your  
17 appearance today.

18 MR. EBEN: And my client demands trial.

19 THE COURT: Demand for trial.

20 (WHICH WERE ALL THE PROCEEDINGS  
21 HAD IN THE ABOVE-ENTITLED CAUSE  
22 ON SAID DATE.)  
23  
24

IRE: PEOPLE VS JOHNNIE PLUMMER, G.J. #1111

1

ARR. DATE: 9-25-92

92 CR 20236

BEFORE THE GRAND JURY OF COOK COUNTY,

AUGUST, 1992.

Transcript of the testimony taken in the  
above-entitled matter before the Grand Jury of Cook County  
on the 1st day of September, 1992.

PRESENT: MR. MATT MAHONEY,  
ASSISTANT STATE'S ATTORNEY.

REPORTED BY: BARBARA JOY MASI, CSR.  
OFFICIAL COURT REPORTER.

LIST OF WITNESSES:

PAGE NO:

DET. CLANCY

2



MR. MAHONEY: Matt Mahoney, ladies and gentlemen of the Grand Jury, I'm Assistant State's Attorney Matt Mahoney of the Homicide Sex Unit. We are seeking true bill of indictment against Johnnie Plummer for the offenses of murder, attempt armed robbery, vehicular invasion and armed violence committed against PerriJean East on or about June 17, 1991, near 6258 South Halsted in Chicago, Cook County, Illinois.

The Grand Jury number is August 1111.

The Grand Jury has the right to subpoena and question any person against whom the State's Attorney is seeking a bill of indictment, or any other person, and to obtain and examine any documents or transcripts relevant to the matter being prosecuted by the State's Attorney.

DET. CLANCY,  
called as a witness, having been first duly sworn, was examined and testified as follows, to-wit:

EXAMINATION BY:

MR. MAHONEY:

MR. MAHONEY: State your name and spell your last name and give your star and unit of assignment.

A Michael Clancy, star 20395, area 3 Violent Crimes.

Q Detective, have you been previously sworn?

A Yes, I have.

Q Were you assigned to investigate the murder and attempt armed robbery committed by Johnnie Plummer against PerriJean East on or about June 17, 1991?

A Yes, I was.

Q Did your investigation show that PerriJean East was alive prior to 12:30 A.M. on June 17, 1991?

A Yes, that's correct.

Q And did your investigation show that PerriJean East was in the area of 6258 South Halsted at 12:30 A.M. on June 17, 1991?

A Yes, it does.

Q Did your investigation show that the defendant, Johnnie Plummer, was also present at that time?

A Yes.

Q Did your investigation show that the defendant was armed with a gun?

A Yes.

Q The victim was unarmed?

A Yes.

Q The defendant shot the victim?

A Yes, that's correct.

Q The medical examiner's office determined that PerriJean East died as a result of gun shot wounds to te head?

A Yes.

Q The victim died on June 17, 1991?

A Yes, that's correct.

Q Did your investigation show that the defendant, with the intent to commit armed robbery, took a substantial step towards the commission of the offense of armed robbery by pointing a gun at PerriJean East's head and saying give me the chain?

A That's correct.

Q Did your investigation show that the defendant, by force, and without lawful justification reached into the interior of a motor vehicle while that motor vehicle was occupied by PerriJean East with the intent to commit armed robbery therein?

A That's correct.

Q Did your investigation show that the defendant admitted these offenses to police and Assistant State's Attorney?

A Yes.